

From: Ronald Kumon
To: Microsoft ATR
Date: 1/22/02 7:47pm
Subject: Microsoft Settlement

January 20, 2002

Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse,

In accordance with the invitation posted in the Federal Register (Vol. 66, No. 229, p. 59452), I wish to have my comments regarding the proposed final judgment in the United States vs. Microsoft Corporation published in the Federal Register.

Microsoft has been found guilty of illegally maintaining a monopoly, in violation of Section 2 of the Sherman Act. As such, the proposed settlement is not sufficient because it does little to address the underlying problem, namely that Microsoft continues to illegally maintain and extend its monopoly.

Any final remedy which intends to truly provide a just and lasting settlement must include the following requirements:

1. All current and future Microsoft products must be required to be extra-cost options on new computers, so that consumers have a realistic option to purchase machines without Microsoft software if they so choose.
2. All current and future Microsoft file formats must be opened to the public, so that consumers and competitors have the ability to use files generated by Microsoft products with other software without the producers of that software being at an immediate disadvantage. For similar reasons, all current and future application program interfaces for Microsoft operating system must also be made public.
3. All current and future networking protocol must be made public and approved by a independent network protocol body.
4. The source code for all Microsoft products must be made public, primarily because there is ultimately no other way for individuals to ensure that their large, complex products are secure. This issue is especially important given their current dominance in both the operating system and application markets.

I believe these kinds of restrictions would let consumers decide on software based the quality, price, timeliness, and support, rather than having to choose based on backward compatibility and unreleased,

proprietary information. Microsoft has repeatedly shown resistance to moderate its behavior in the marketplace. Therefore I urge the court to take a firm stand to relieve the current situation and set a precedent so this kind of monopoly does not occur again.

Sincerely yours,

Ronald E. Kumon, Ph. D.